

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MYRDUS ARCHIE,
aka Mary Smith,

Petitioner,

vs.

SHERYL FOSTER, *et al,*

Respondents.

2: 10-cv-01968-RLH-RJJ

ORDER

This is a habeas corpus case pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. Petitioner has filed a motion to proceed *in forma pauperis*. (Docket #3). Based on the information about petitioner's financial status, including any additional information that may have provided, the Court finds that the motion to proceed *in forma pauperis* should be granted.

The petition shall now be filed and served on respondents. A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not

1 included in his petition, he should notify the Court of that as soon as possible, perhaps by means of a
2 motion to amend his petition to add the claim.

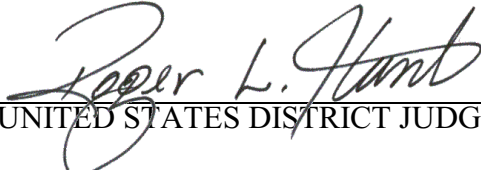
3 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis*
4 (Docket #3) is **GRANTED**.

5 **IT IS FURTHER ORDERED** that the Clerk shall **FILE the petition and**
6 **ELECTRONICALLY SERVE** the petition (docket #1-1) upon respondents.

7 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry of
8 this order within which to answer, or otherwise respond to, the petition. In their answer or other
9 response, respondents shall address any claims presented by petitioner in his petition as well as any
10 claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise all
11 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
12 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
13 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
14 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have
15 **forty-five (45) days** from the date of service of the answer to file a reply.

16 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney
17 General of the State of Nevada a copy of every pleading, motion, or other document he submits for
18 consideration by the court. Petitioner shall include with the original paper submitted for filing a
19 certificate stating the date that a true and correct copy of the document was mailed to the Attorney
20 General. The court may disregard any paper that does not include a certificate of service. After
21 respondents appear in this action, petitioner shall make such service upon the particular Deputy
22 Attorney General assigned to the case.

23
24 DATED this 30th day of December, 2010.

25
26 
UNITED STATES DISTRICT JUDGE